

**THIRTY-SEVENTH DAY**  
(Wednesday, March 27, 1991)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Zaffirini.

Absent-excused: Whitmire.

A quorum was announced present.

Dr. Larry Bethune, University Baptist Church, Austin, offered the invocation as follows:

Let us pray. God of creation, how beautiful this time of year, when the very earth breaks forth in praise. We thank You for the rainbow of colors which greets us each day and for our calling to be guardians of Your earth. And we thank You for the rainbow of people who make up the great State of Texas, for the diversity in which we find strength.

We thank You for the way that diversity is represented in this place. Let each listen to the other today, that all Texans might be heard and every need remembered.

God of wisdom, when decisions are hard and issues complex, and no clear answer surfaces, we seek Your help. Work through the collective experience, education, good sense and goodwill of these who have been entrusted to be leaders.

God of love, in this season when Christians remember the cross and resurrection, we pray that we might all learn by that example of self-sacrificial love and unending hope. Let all that is done in this place today help us to grow, be of benefit to Texas and give You the glory. In the name of the Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

**CO-AUTHORS OF SENATE BILL 112**

On motion of Senator Moncrief and by unanimous consent, Senators Armbrister, Brown, Henderson, Leedom, Rosson and Turner will be shown as Co-authors of S.B. 112.

**CO-AUTHOR OF SENATE BILL 257**

On motion of Senator Zaffirini and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 257.

**CO-AUTHOR OF SENATE BILL 346**

On motion of Senator Zaffirini and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 346.

**CO-AUTHOR OF SENATE BILL 348**

On motion of Senator Zaffirini and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 348.

**CO-AUTHOR OF SENATE BILL 349**

On motion of Senator Zaffirini and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 349.

**CO-AUTHOR OF SENATE BILL 350**

On motion of Senator Zaffirini and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 350.

**CO-AUTHOR OF SENATE BILL 923**

On motion of Senator Tejeda and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 923.

**CO-AUTHOR OF SENATE BILL 1391**

On motion of Senator Zaffirini and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1391.

**CO-AUTHOR OF SENATE BILL 1393**

On motion of Senator Zaffirini and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1393.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 47**

On motion of Senator Zaffirini and by unanimous consent, Senator Leedom will be shown as Co-author of S.C.R. 47.

**REPORTS OF STANDING COMMITTEES**

Senator Haley submitted the following report for the Committee on Administration:

**S.R. 380**

**S.R. 387**

**S.B. 874**

Senator Whitmire submitted the following report for the Committee on Intergovernmental Relations:

**H.B. 155**

**S.B. 878**

**S.B. 993**

**S.B. 992**

**S.B. 994**

**S.B. 953**

**S.B. 954**

**S.B. 955**

**S.B. 879**

**H.B. 156 (Amended)**

**C.S.S.B. 923**

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the BOARD OF DIRECTORS, TEXAS DEPARTMENT OF COMMERCE: Ms. Vanessa Diane Gilmore, Harris County.

To be Members of the BOARD OF PARDONS AND PAROLES: Ms. Irma Cauley, Brazos County; Dr. Mae Johnson Jackson, McLennan County; Douglas G. Jeu, Harris County; Albert G. Sanchez, Zavala County.

To be Members of the STATE BOARD OF VOCATIONAL NURSE EXAMINERS: Mrs. Connie M. Davis, Tarrant County; Mrs. Ruth Leopard, Bexar County; Ms. Betty Fox McLemore, Gregg County; Mrs. Doris A. Parker, Henderson County.

REPORTED WITH NO RECOMMENDATION:

To be a Member of the BOARD OF REGENTS, EAST TEXAS STATE UNIVERSITY: Karl C. Rove, Travis County.

(Senator Sims in Chair)

#### SENATE BILL 512 REREFERRED

On motion of Senator Zaffirini and by unanimous consent, S.B. 512 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Jurisprudence.

(President in Chair)

#### GUESTS PRESENTED

Senator Brooks was recognized and introduced the following school district superintendents: Dr. Mike Berry, Santa Fe Independent School District; Dr. Bill Borgers, Dickinson Independent School District; Paul Arnold, La Marque Independent School District; and William E. Banks, Hitchcock Independent School District.

The Senate welcomed these guests.

#### LEAVE OF ABSENCE

Senator Green was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

#### COMMITTEE SUBSTITUTE SENATE BILL 85 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 85, Relating to the fees paid to commissioners and surveyors partitioning real property and to costs of court in partition actions.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 85 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 85 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE BILL 653 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 653**, Relating to the continuation of Article III, Section 49-d-4, of the Texas Constitution and the water bond insurance program authorized by that section.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 653 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 653** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Henderson.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

#### **SENATE BILL 172 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 172**, Relating to municipal courts of record in Arlington.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 172 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 172** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **SENATE JOINT RESOLUTION 26 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.J.R. 26**, Proposing a constitutional amendment relating to investments made by the Veterans' Land Board of funds in the Veterans' Land Fund or the Veterans' Housing Assistance Fund.

The resolution was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE JOINT RESOLUTION 26 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.J.R. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **SENATE BILL 647 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 647**, Relating to the investment authority of the Veterans' Land Board.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 647 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 647 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE BILL 729 ON SECOND READING**

Senator Dickson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 729**, Relating to the consumer credit commissioner's publication and authorization of a market competitive rate ceiling.

There was objection.

Senator Dickson then moved to suspend the regular order of business and take up S.B. 729 for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 6, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Lyon, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Turner.

Nays: Ellis, Johnson, Krier, Moncrief, Truan, Zaffirini.

Present-not voting: Glasgow.

Absent-excused: Green, Whitmire.

The bill was read second time.

(Senator Glasgow in Chair)

Senator Dickson offered the following committee amendment to the bill:

Amend S.B. 729 as follows:

On page 4, line 4, by inserting the following sentence after the period and before the word "The":

"Any holder electing to implement the market competitive rate ceiling as to an account existing on the effective date of this Act must allow the obligor to pay the balance then existing at the rate previously agreed to and at the minimum payment terms previously agreed to. For this purpose, payments on an account may be applied by the holder to the balance existing on the account on the effective date of this Act prior to applying same to credit extended after the effective date of this Act."

and,

On page 4, following subsection (7), add a new subsection (8) to read as follows:

"(8) No annual, membership, or participation fee shall be charged to or collected from a retail buyer in connection with a retail charge agreement."

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Dickson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### RECORD OF VOTES

Senators Truan and Zaffirini asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### MOTION TO PLACE SENATE BILL 729 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 729 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Glasgow, Haley, Harris of Tarrant, Henderson, Krier, Leedom, Lyon, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Turner.

Nays: Barrientos, Ellis, Johnson, Lucio, Moncrief, Truan, Zaffirini.

Absent: Harris of Dallas.

Absent-excused: Green, Whitmire.

#### CAPITOL PHYSICIAN

Senator Brown was recognized and presented Dr. Julie Graves-May of Houston as the "Doctor for the Day."

The Senate welcomed Dr. Graves-May and thanked her for her participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 27, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 147**, In memory of Sergeant Terry Lee Jaynes of the Victoria County Sheriff's Department.

**H.C.R. 155**, Congratulating Gailard and Faye Benham on their 50th wedding anniversary.

**H.C.R. 159**, Commending The Honorable Lee Roy Fillyaw for his exceptional contributions to the citizens of Newton County and extending to him best wishes for a rewarding retirement.

**H.C.R. 166**, Commemorating the 100th anniversary of the City of Garland on April 18, 1991.

**H.C.R. 171**, Honoring The Boerne Village Band for its significant contributions to the preservation of the musical and cultural heritage of Germany in Texas.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

**PERMISSION TO INTRODUCE BILLS AND RESOLUTION**

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills and resolution:

<b>S.J.R. 42</b>	<b>S.B. 1452</b>
<b>S.B. 1448</b>	<b>S.B. 1453</b>
<b>S.B. 1449</b>	<b>S.B. 1454</b>
<b>S.B. 1450</b>	<b>S.B. 1455</b>
<b>S.B. 1451</b>	<b>S.B. 1456</b>

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

**RESOLUTIONS SIGNED**

The President Pro Tempore announced the signing in the presence of the Senate the following enrolled resolutions:

**H.C.R. 146**  
**H.C.R. 158**

**COMMITTEE SUBSTITUTE  
SENATE BILL 1418 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1418**, Relating to the state military forces, including its membership, finances, and training.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1418 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1418** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE RULE 12.09(a) SUSPENDED**

On motion of Senator Parker and by unanimous consent, Senate Rule 12.09(a) was suspended as it relates to the Conference Committee Report on **S.B. 14**.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 14 ADOPTED**

Senator Parker called from the President's table the Conference Committee Report on **S.B. 14**. (The Conference Committee Report having been filed with the Senate and read on Tuesday, March 26, 1991.)

On motion of Senator Parker, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

**GUEST PRESENTED**

Senator Haley was recognized and introduced The Honorable Lee Roy Fillyaw, Judge of Newton County.

The Senate welcomed Judge Fillyaw.

**SENATE BILL 615 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 615**, Relating to the lease of a state child care facility site.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 615 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 615** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)



**SENATE BILL 575 ON THIRD READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**S.B. 575**, Relating to a prohibition against the placement of a correctional facility in close proximity to a residential zoning area, private residence, school, park, recreation area, or church, synagogue, or other house of worship.

The bill was read third time.

Senator Leedom offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **S.B. 575** in **SECTION 1** by changing Subsection 1, Section 244.001, Local Government Code, the definition of "correctional facility" to read as follows:

**Sec. 244.001. CORRECTIONAL FACILITY LOCATION**

(1) "Correctional facility" means a facility that:

(a) is operated by an agency of the state, a political subdivision or the state or a private vendor operating under a contract with an agency of the state or a political subdivision of the state; and

(b) houses persons convicted of misdemeanors or felonies, whether the persons are housed in the facility:

(i) while serving a sentence of confinement following conviction of an offense; or

(ii) as a condition of probation, parole, or mandatory supervision.

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by a viva voce vote.

**RECORD OF VOTE**

Senator Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

**(President in Chair)**

**SENATE BILL 729 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended, and that pursuant to Senate Rule 6.10, **S.B. 729** be placed on its third reading and final passage:

**S.B. 729**, Relating to the consumer credit commissioner's publication and authorization of a market competitive rate ceiling.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Glasgow, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Turner.

Nays: Barrientos, Truan, Zaffirini.

Absent: Ellis, Harris of Dallas.

Absent-excused: Green, Whitmire.

The bill was read third time and was finally passed by the following vote: Yeas 19, Nays 8.

Yeas: Armbrister, Bivins, Brooks, Brown, Dickson, Haley, Harris of Tarrant, Henderson, Krier, Leedom, Lyon, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Turner.

Nays: Barrientos, Ellis, Glasgow, Johnson, Lucio, Moncrief, Truan, Zaffirini.

Absent: Carriker, Harris of Dallas.

Absent-excused: Green, Whitmire.

#### **GUEST PRESENTED**

The President acknowledged the presence in the Senate Chamber of Her Excellency, Governor Ann W. Richards.

The Senate extended a warm greeting to Governor Richards.

#### **COMMITTEE SUBSTITUTE SENATE BILL 304 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 304**, Relating to the jurisdiction of the county, justice and small claims courts.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 304 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 304** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

#### **SENATE BILL 168 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 168**, Relating to eligibility for beginning positions in fire or police departments.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 168 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 168 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Brown.

Absent-excused: Green, Whitmire.

**COMMITTEE SUBSTITUTE  
SENATE BILL 516 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 516, Relating to the provision of medical services by a physician under a contract with a municipal corporation.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Amend C.S.S.B. 516 as follows:

(1) After the words "municipal corporation" on lines 28, 30, 35, and 37 of the committee printing insert the following:

"or a hospital district or authority".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 516 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 516 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 573 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 573**, Relating to awarding the Texas Desert Shield/Desert Storm Campaign Medal to certain members of the Texas National Guard.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 573 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 573** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**MOTION TO PLACE  
SENATE BILL 1019 ON SECOND READING**

Senator Brown asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 1019**, Relating to local revision of the civil service law for police officers in certain municipalities.

There was objection.

Senator Brown then moved to suspend the regular order of business and take up **S.B. 1019** for consideration at this time.

The motion was lost by the following vote: Yeas 14, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Brown, Ellis, Haley, Henderson, Krier, Lucio, Lyon, Moncrief, Ratliff, Tejeda, Truan, Zaffirini.

Nays: Bivins, Brooks, Dickson, Glasgow, Harris of Tarrant, Johnson, Leedom, Montford, Parker, Rosson, Sibley, Sims, Turner.

Absent: Carriker, Harris of Dallas.

Absent-excused: Green, Whitmire.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 27, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 61**, Directing the Texas Department on Aging and the Texas Department of Human Services to examine their existing policies regarding nutritional assistance for elderly persons.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced a delegation of the American Subcontractors Association of Texas.

The Senate welcomed these guests.

**SENATE BILL 337 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 337**, Relating to the availability of bail for a person awaiting extradition after the service of the governor's warrant of arrest.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Parker asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 337 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 337** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Zaffirini.

Nays: Glasgow, Parker.

Absent: Harris of Dallas.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTES**

Senators Glasgow and Parker asked to be recorded as voting "Nay" on the final passage of the bill.

**GUESTS PRESENTED**

Senator Krier was recognized and introduced a group of students from the San Antonio Christian School.

The Senate welcomed these young people.

**SENATE BILL 477 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 477**, Relating to the number of charitable raffles that an organization may hold in a calendar year.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 477 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Harris of Dallas.

Absent-excused: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

#### **SENATE RESOLUTION 427**

Senator Haley offered the following resolution:

**S.R. 427**, Extending congratulations to the American Tree Farm System on its 50th anniversary.

The resolution was read and was adopted by a viva voce vote.

#### **NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Carriker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider S.B. 1234 today.

#### **STANDING COMMITTEES GRANTED PERMISSION TO MEET**

On motion of Senator Brooks and by unanimous consent, the Standing Committees were granted permission to meet while the Senate was in session.

#### **RECESS**

On motion of Senator Brooks, the Senate at 11:36 a.m. took recess until 1:30 p.m. today.

#### **AFTER RECESS**

The Senate met at 1:30 p.m. and was called to order by Senator Haley.

#### **REPORT OF STANDING COMMITTEE**

By unanimous consent, Senator Glasgow submitted the following report for the Committee on State Affairs:

S.B. 870  
S.B. 846  
S.B. 1046  
C.S.S.B. 1234  
S.B. 648

**S.B. 1186**  
**C.S.S.B. 627**  
**C.S.S.B. 862**  
**C.S.S.B. 440**

**RECESS**

On motion of Senator Brooks, the Senate at 1:36 p.m. took recess until 3:00 p.m. today.

**AFTER RECESS**

The Senate met at 3:00 p.m. and was called to order by Senator Brooks.

**RESOLUTIONS SIGNED**

The Presiding Officer announced the signing in the presence of the Senate the following enrolled resolutions:

**H.C.R. 159**  
**S.C.R. 80**  
**S.C.R. 81**

**RECESS**

On motion of Senator Haley, the Senate at 3:07 p.m. took recess until 5:00 p.m. today.

**AFTER RECESS**

The Senate met at 5:00 p.m. and was called to order by the President.

**AT EASE**

The President at 5:03 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 5:14 p.m. called the Senate to order as In Legislative Session.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 27, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on **S.B. 14** by a record vote of 144 Ayes, 0 Noes, 2 Present-not voting.

Respectfully submitted,  
**BETTY MURRAY**, Chief Clerk  
House of Representatives

**AT EASE**

The President at 5:15 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Parker at 5:37 p.m. called the Senate to order as In Legislative Session.

**BILL SIGNED**

The Presiding Officer announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

**S.B. 14** (Signed subject to Art. III,  
Sec. 49a of the Constitution)

**MESSAGE FROM THE HOUSE**

House Chamber  
March 27, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 170**. The following have been appointed on the part of the House: H. Cuellar, Chair; Berlanga, R. Cuellar, Oliveira, De la Garza.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

**MOTION TO ADJOURN**

Senator Brooks moved that upon completion of the Local and Uncontested Bills Calendar (to be held at 8:00 a.m. tomorrow), the Senate stand adjourned until 11:00 a.m. Tuesday, April 2, 1991.

The motion prevailed by a viva voce vote.

**RECORD OF VOTES**

Senators Bivins, Krier and Moncrief asked to be recorded as voting "Nay" on the motion to adjourn.

**MEMORIAL RESOLUTIONS**

**S.C.R. 91** - By Turner: In memory of Brigadier General John Slater Besser.

**S.R. 420** - By Glasgow: In memory of Odis Elliott of Joshua and Cleburne.

**S.R. 421** - By Glasgow: In memory of Lyle H. Kendall, Jr., of Glen Rose.

**S.R. 422** - By Glasgow: In memory of J. H. "Jay" Clinkscale of Burleson.

**S.R. 423** - By Glasgow: In memory of respected community leader Patricia D. Willis of Fort Worth.

**S.R. 424** - By Glasgow: In memory of Robert J. Tallon of Mansfield.

**S.R. 425** - By Barrientos: In memory of Marcus Leroy Loftis.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 159** - (Haley): Commending The Honorable Lee Roy Fillyaw for his exceptional contributions to the citizens of Newton County and extending to him best wishes for a rewarding retirement.



**H.C.R. 166** - (Leedom): Commemorating the 100th anniversary of the City of Garland on April 18, 1991.

**S.R. 419** - By Glasgow: Commending Bill and Wilma Brigman of Azle for their superlative careers and loyal service to the people of Texas.

**S.R. 426** - By Barrientos: Joining with the Saint John Regular Baptist Association Brotherhood Auxiliary in recognizing African-American principals for their outstanding efforts in the field of education.

**S.R. 428** - By Tejeda: Joining with Holy Name Elementary School in San Antonio in paying tribute to Rose Tabbert on the grand occasion of her 25th anniversary with the school.

**S.R. 429** - By Brown: Honoring Alma Boyle of Seabrook on the occasion of her 100th birthday.

#### RECESS

On motion of Senator Brooks, the Senate at 5:42 p.m. recessed until 8:00 a.m. tomorrow.

**In Memory**

**of**

**Charles L. Villasenor**

Senator Barrientos offered the following resolution:

**(Senate Resolution 401)**

WHEREAS, The Senate of the State of Texas joins with the citizens of Austin in mourning the loss of Charles L. Villasenor who died March 13, 1991; and

WHEREAS, Charles Villasenor moved to Austin in 1959 and founded Mission Funeral Home after having worked in a Houston funeral home for 10 years; he later expanded his business by acquiring Los Angeles Funeral Home in San Marcos and gaining a concessions subcontract at Robert Mueller Municipal Airport; and

WHEREAS, Well known, influential, and respected for his accomplishments, Charles Villasenor was dedicated to his work as a funeral director; and

WHEREAS, He enjoyed politics and people and he had a great love for the City of Austin; and

WHEREAS, A superior businessman, Charles Villasenor delighted in challenges and was exceptionally successful in his profession; he also was past president of the State Board of Morticians, a former regent of Pan American University, a fourth-degree Knights of Columbus member, and a member of the Texas and National Funeral Directors Associations; and

WHEREAS, He was an outstanding leader in Austin's Hispanic community and his civic activities included serving as Grand Knight on the JFK Knights of Columbus Council, membership in the East Austin Lions Club and Austin Optimist, serving as past director of Serra International and vice-commodore of Austin Aqua Festival, and membership in Austin American Businessmen and Associates; and

WHEREAS, A devout Christian, Charles Villasenor was a member of Our Lady of Guadalupe Catholic Church; and

WHEREAS, He was a distinguished and exemplary gentleman with wisdom and a sense of humor, and he will be missed by innumerable Austin citizens; and

WHEREAS, Mr. Villasenor was a devoted father, husband, and companion, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby extend sincere condolences to the bereaved family of Charles L. Villasenor: his wife, Lois Pena Villasenor; his children, Rebecca Burrisk, Melissa Villasenor, and Charles Villasenor II; his nephews, Kenneth Villasenor, John Villasenor, and Steven Villasenor; and his two sisters and five brothers; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Charles L. Villasenor.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

An enrolled copy of the resolution was presented to Mr. Villasenor's daughter, Melissa Villasenor. The resolution was previously adopted by the Senate on Monday, March 25, 1991.